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Tracy Hope Davis

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

Case No.: BK-N-16-50018-btb  
Chapter: 7

MOTION TO DISMISS CASE PURSUANT  
TO 11 U.S.C. §707(b)(3) ABUSE

In Re:

EUGENE P. DISIMONE and  
LAURA A. DISIMONE,

Hearing Date: May 4, 2016  
Hearing Time: 2:00 p.m.  
Est. Time: 10 min.

Debtors

TO THE HONORABLE BRUCE T. BEESLEY, UNITED STATES BANKRUPTCY JUDGE:

Tracy Hope Davis, the United States Trustee for Region 17 (hereinafter "US Trustee") by and through her undersigned counsel, hereby moves the Court for an order dismissing the above-captioned case, or alternatively converting the case to chapter 13 or 11 with the Debtors' consent, pursuant to the abuse provisions of 11 U.S.C. § 707(b)(3) (abuse under totality of the circumstances). This Motion is made and based upon the following points and authorities, the Declaration of Robbin Little and the Exhibits attached hereto, and any evidence to be introduced at the hearing. The US Trustee requests the Court take judicial notice of the pleadings and

1 papers on file herein. The US Trustee also requests entry of the discharge of the Debtors be  
2 stayed while this Motion is pending pursuant to Federal Rule of Bankruptcy Procedure ("FRBP")  
3 4004(c).

## 4 **POINTS AND AUTHORITIES**

### 5 **I. Introduction**

6 Under the totality of the circumstances test of 11 U.S.C. § 707(b)(3)(B) the Debtors have  
7 monthly disposable income of \$2,354 to \$3,458 and the ability to pay a significant portion of  
8 their scheduled unsecured debts. This case is an abuse of the Bankruptcy Code and dismissal of  
9 the case is warranted.  
10

### 11 **II. Statement of Relevant Facts**

12 1. The Debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code on  
13 January 7, 2016.

14 2. The first meeting of creditors pursuant to 11 U.S.C. §341 was held on February 4,  
15 2016 and concluded. The deadline for the US Trustee to file a motion to dismiss this case  
16 pursuant to 11 U.S.C. §707(b) is April 4, 2016.

17 3. The Debtors filed their Schedule of Income (I) on January 7, 2015 with their Petition.  
18 A copy of Debtors' Schedule I is attached hereto as Exhibit "A". The Debtors' income is  
19 understated by \$1,142 per month. Eugene P. DiSimone received a quarterly bonus of \$13,704  
20 on January 29, 2016. Little Declaration, Exhibit H. The Debtors' annual income including the  
21 bonus is \$138,564 and is \$82,155 above the median income for a household of two which is  
22 \$56,409. A Schedule I including the Debtors' bonus has been prepared. Little Declaration,  
23 Exhibits H & I. The Debtors' annual income excluding the bonus is \$124,860 and is \$68,451  
24 above the median income. Schedule I, Exhibit "A" hereto.  
25  
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1 4. Debtor Eugene DiSimone is employed at Bertra Manufacturing as General Manager  
2 and has been there since August 31, 2015. Laura DiSimone is a property manager for All  
3 American Storage and has been there since September, 2015. Schedule I, Exhibit "A" hereto.

4 5. The Debtors filed their Schedule of Expenses (J) on January 7, 2016 with their  
5 Petition. A copy of the Debtors' Schedule J is attached hereto as Exhibit "B".  
6

7 6. The US Trustee has prepared a Schedule J to reflect more reasonable expenses and has  
8 used the IRS National Standards for Allowable Living Expenses for a household of two in  
9 Washoe County, Nevada. Little Declaration, Exhibit J thereto. The expenses changed are as  
10 follows:

11 a. Mortgage expenses: The Debtors own their home and scheduled a monthly payment of  
12 \$1,365.42. This amount has not changed.  
13

14 b. Utilities/non-mortgage-rent expenses: This was decreased. These expenses include  
15 maintenance, repairs, gas and electric, water, heating oil, garbage collection, telephone and cell  
16 phone. The IRS local standard for utilities and non-mortgage expenses for a household of two in  
17 Washoe County, Nevada are \$565 and is the amount used by the US Trustee. The Debtors  
18 scheduled \$913.

19 c. Food and housekeeping supplies: This was decreased from \$1,500 to \$654. The IRS  
20 National Standard for food and housekeeping supplies for a household of two is \$654.  
21

22 d. Clothing, laundry and dry cleaning: This was decreased from \$400 to \$162 which is  
23 the IRS National Standard for a household of two;

24 e. Transportation: This was decreased from \$1,200 to \$472 which is the IRS National  
25 Standard for two vehicles in the Western Region. Based upon the spreadsheet provided by the  
26  
27  
28

1 Debtors, their gas expense averaged \$140 per month for the period of October 1, 2015 through  
2 February 26, 2016. Little Declaration, Exhibits F & K;

3 f. Recreation and Entertainment: This was increased. The IRS National Standards do  
4 not have a category for recreation but they do have a category for miscellaneous. The IRS  
5 National Standards for miscellaneous expenses for a household of two is \$251 and is the amount  
6 used by the US Trustee. The Debtors scheduled \$100 for recreation;

7  
8 g. Installment payments: The Debtors scheduled \$2,500<sup>1</sup> per month for taxes owed to the  
9 IRS. The Debtors provided a statement showing a balance due of \$40,965 for taxes owed for  
10 2013 and 2014. Little Declaration, Exhibit D. Under a 5 year plan, in either ch. 13 or ch. 11,  
11 IRS debt will be paid pro-rata with the other unsecured creditors.

12 h. Installment or Lease Payments: The Debtors scheduled payments of \$252 for a 2004  
13 BMW, \$306 for a 2011 Triumph motorcycle, and \$142 for a 2008 Piaggio scooter. Schedule J,  
14 Exhibit "B" hereto. They scheduled secured claims on the motorcycle and scooter of \$1,208 and  
15 \$399 respectively. Schedule D, Docket #1, pg. 26, Exhibit "C" hereto. It is not reasonable for  
16 the Debtors to make payments on "toys" such as a motorcycle and scooter while paying their  
17 creditors nothing. Further, the payments on the motorcycle and scooter should be paid in full by  
18 the time this Motion is heard. The US Trustee has only used an installment payment of \$252 for  
19 the Debtors' 2004 BMW in calculating monthly disposable income.  
20  
21  
22  
23

24  
25 <sup>1</sup> The Debtors were asked to provide documentation to support the figure of \$2,500 per month  
26 for back taxes. Little Declaration, Exhibit B. They responded by letter stating the \$2,500 was an  
27 estimate and the payments are still in negotiations with the IRS. Little Declaration, Exhibits C &  
28 D. The Debtors' Means Test Form at line #35, listed priority tax claims of \$40,965 and a  
monthly payment of \$683. Means Test Form, Docket #4, pg. 10.

1 A more reasonable Schedule J has been prepared and when the Debtors' more accurate  
2 income is deducted from their more reasonable expenses, they have between \$2,354 and \$3,458  
3 in monthly disposable income. Schedule I, Exhibit "A" and Little Declaration, Exhibits I & J.

4 7. The Debtors' Schedule D lists four secured claims for: 1) a 2011 Triumph  
5 Motorcycle; 2) a 2008 Piaggio Scooter; 3) a 2004 BMW; and 4) a first deed of trust on their  
6 residence. They lists unsecured priority claims of \$40,965 and their unsecured non-priority  
7 claims total \$444,968 made up primarily of \$405,000 for a pending lawsuit. A copy of the  
8 Debtors' Schedules D, E, and F are attached hereto as Exhibit "C". The Debtors have, under  
9 penalty of perjury, identified the nature of their debts as "Consumer/Non-Business" on their  
10 Petition. Exhibit "D" hereto.

11 8. Using the US Trustee's more accurate Schedule I income and more reasonable  
12 Schedule J expenses, the Debtors have monthly disposable income of \$2,354 and \$3,458 and can  
13 pay between \$141,240 and \$207,480 towards their scheduled unsecured debts over 60 months.  
14 Schedule I, Exhibit "A" and Little Declaration, Exhibits I & J.

## 15 II. Discussion

16 Pursuant to Federal Rule of Bankruptcy Procedure 1017(e), a motion to dismiss pursuant  
17 to 11 U.S.C. §707(b) must be brought by the US Trustee within 60 days of the date first set for  
18 the § 341(a) meeting of creditors. The Debtors' §341(a) meeting was first set for February 4,  
19 2016; the deadline for filing a §707(b) motion is April 4, 2016. In accordance with Federal Rule  
20 of Bankruptcy Procedure 4004(c) the entry of the discharge of the Debtors is stayed while this  
21 Motion is pending.

22 The Bankruptcy Code at 11 U.S.C. §707(b)(1), provides that on motion by the United  
23 States trustee, the court "may dismiss a case filed by an individual debtor under this chapter  
24

1 whose debts are primarily consumer debts, or, with the debtor's consent, convert such a case to a  
 2 case under chapter 11 or 13 under this title, if it finds that the granting of relief would be an  
 3 abuse of the provisions of this chapter." The guidelines for a finding of abuse are provided  
 4 within 11 U.S.C. §707(b)(2) presumption of abuse and 11 U.S.C. §707(b)(3) totality of the  
 5 circumstances. Therefore, two issues are to be addressed. First, are the Debtors' debts primarily  
 6 consumer debts; and, secondly, would the granting of relief to the Debtors be an abuse of this  
 7 chapter?  
 8

9 A. The Debtors' Debts are Primarily Consumer Debts. "Consumer debt", as defined  
 10 by 11 U.S.C. §101, is "debt incurred by an individual primarily for a personal, family or  
 11 household purpose." When more than one-half of a debtor's debts are consumer debts, the  
 12 requirement for "primarily" consumer debts is met. In re Kelly, 841 F. 2d 908, 913 (9th Cir.  
 13 1988); In re Price, 353 F.3d 1135 (9th Cir. 2004). As noted above, the Debtors, under penalty of  
 14 perjury, have identified their debts as consumer in nature. Exhibit "D" hereto.  
 15

16 B. The Granting of Relief to the Debtors Would be an Abuse of Chapter 7 of the  
 17 Bankruptcy Code. 11 U.S.C. § 707(b) as amended by the Bankruptcy Abuse Prevention and  
 18 Consumer Protection Act of 2005 (hereinafter "BAPCPA") replaced dismissal based upon  
 19 "substantial abuse" with a mere "abuse" standard. With the enactment of BAPCPA, the  
 20 presumption in favor of granting the debtor relief was also dropped.  
 21

22 In determining whether providing chapter 7 relief to a debtor would constitute abuse  
 23 under 11 U.S.C. § 707(b)(3), bankruptcy courts must consider the "totality of the circumstances"  
 24 of the debtor's "financial situation." 11 U.S.C. § 707(b)(3)(B).

25 The language, "totality of the circumstances", was added by the BAPCPA. However, the  
 26 "totality of the circumstances" test for abuse existed pre-BAPCPA. See, e.g., In re Price, 353  
 27  
 28

1 F.3d 1135, 1139-40 (9th Cir. 2004). Where Congress uses a term with “settled meaning” in the  
2 courts, “Congress presumably knows and adopts ... the meaning its use will convey to the  
3 judicial mind unless otherwise instructed.” Beck v. Prupis, 529 U.S. 494, 500-01 (2000).

4 Under the “totality of the circumstances” test, a court must evaluate the totality of the  
5 debtor’s financial situation, including the debtor’s assets, liabilities, reasonable expenses, and the  
6 debtor’s current and future income. An inquiry into the totality of a debtor’s financial  
7 circumstances is a “fact-intensive determination”. Hebbring v. U.S. Trustee, 463 F.3d 902, 907-  
8 08 (9th Cir. 2006). The determination of whether the debtor has the ability to repay a  
9 meaningful portion of his debts is the primary factor in determining abuse under the “totality of  
10 circumstances” test. See, e.g., In re Price, at 1140; In re Kelly, at 914. Further, the finding that  
11 the debtor has the ability to pay a meaningful portion of his debts is, by itself, sufficient for a  
12 finding of abuse. In re Price, at 1140; In re Kelly, at 915. Therefore, post BAPCPA, if the  
13 debtor can pay a meaningful portion of his debts, then the debtor’s case merits dismissal under  
14 §707(b)(3)(B). In re Ransom v. FIA Card Services, 131 S.Ct. 716,721 (U.S. Jan. 11, 2011).

17 In this case, the Debtors meet several of the “totality of circumstances factors” including  
18 having the ability to pay between \$2,354 and \$3,458 per month:

19 1. The Debtors have sufficient disposable income. When the Debtors' more reasonable  
20 expenses are deducted from their more accurate Schedule I income, they have between \$2,354  
21 and \$3,454 in monthly disposable income. Schedule I, Exhibit "A" and Little Declaration,  
22 Exhibits I & J. This disposable income would pay between \$141,240 and \$207,480 towards their  
23 scheduled unsecured debts over five years.

25 2. The Debtors have a likelihood of sufficient future income. The Debtors are currently  
26 employed full time and their projected income for 2016 is \$138,564. Little Declaration, Exhibits  
27  
28



1 H & I. Their current income of \$138,564 is \$82,155 over the median income for a household of  
2 two, which is \$56,409. Little Declaration, Exhibits H & I. Historically, the Debtors gross  
3 income for 2013 and 2014 was \$116,396 and \$123,830 respectively. Statement of Financial  
4 Affairs, Docket #1, pg. 46. The Debtors have not provided a copy of their 2015 tax return at this  
5 time.

6  
7 3. The Debtors' proposed budget is excessive and extravagant in light of their financial  
8 condition. The Debtors scheduled \$1,500 per month for food and housekeeping supplies for a  
9 household of two. This is more than double the IRS Standard which is \$654.

10 During the period of October 1, 2015 and February 26, 2016, the Debtors financially  
11 assisted their family members averaging \$834 per month and made payments averaging \$500 per  
12 month towards their motorcycle and scooter. They also pay their adult son's travel trailer storage  
13 fees. Schedule J Expenses, Exhibit "B" hereto and Little Declaration Exhibits E, F, & K.

14  
15 The Debtors scheduled \$2,500 per month for payments on back taxes of \$40,965 which  
16 would be paid with the other unsecured creditors in a ch. 11 or ch. 13 plan.

17 It should be noted that the Debtors' Statement of Financial Affairs #18, the Debtors stated  
18 they paid family support to their grandchildren in Canada averaging \$1,400 per month and they  
19 paid family support to their brother averaging \$850 per month. Docket #1, pg. 49, #18 Statement  
20 of Financial Affairs.

21  
22 4. Debtor Eugene DiSimone's employment contract states he is eligible for the  
23 following:

- 24 - An annual salary of \$100,000;
- 25 - Incentive Pay based on the company's earnings, paid quarterly;
- 26 - Equity Option: 10% equity position at the end of year one;
- 27



1 - Severance package;

2 -Benefits: two weeks' vacation, 6 paid holidays, Company Healthcare coverage of 80%  
3 for you, your spouse and dependents.

4 The Debtors scheduled monthly health insurance expenses of \$1,489 which seems high in  
5 light of their 80% Company Healthcare coverage.

6 A copy of the Employment Contract has not been attached but is available for review by  
7 the Court.

8  
9 5. The Debtors failed to disclose a lawsuit filed January 7, 2016, hours after filing their  
10 chapter 7 bankruptcy. Little Declaration, Exhibit M.

11 It appears the Debtors filed this bankruptcy because of a pending lawsuit which the  
12 Debtors have now filed a complaint asking to be discharged of their liability. It should be noted  
13 that nothing has happened to reduce the Debtors current income of \$124,860 to \$138,564. Going  
14 forward, the Debtors have monthly disposable income of \$2,354 and \$3,458 to fund a ch. 11 or  
15 ch. 13 plan.

16  
17 In the event the Debtors file amended schedules of income and/or expenses subsequent to  
18 the filing and service of this Motion that assert substantial changes to the original schedules, the  
19 US Trustee reserves the right to request a continuance of the hearing on this Motion to provide  
20 for additional formal discovery and an evidentiary hearing.

21  
22 **CONCLUSION**

23 For the reasons identified above, abuse exists in this case pursuant to 11 U.S.C.  
24 §707(b)(3)(B). The Debtors are capable of paying \$141,000 to \$207,000 towards their scheduled  
25 unsecured debts and those debts are primarily consumer in nature. These facts require a finding  
26  
27  
28

1 by the Court that granting the requested relief to the Debtors would be an abuse of this chapter of  
2 the bankruptcy code.

3 WHEREFORE it is respectfully requested the Court enter an Order dismissing the above-  
4 entitled case pursuant to 11 U.S.C. §707(b)(1) and §707(b)(3)(B) and for such other and further  
5 relief as the Court deems appropriate.  
6

7 DATED this 4<sup>th</sup> day of April, 2016.

8 Respectfully submitted,

9  
10 Nicholas Strozza  
11 State Bar # CA 117234  
12 Assistant United States Trustee  
13 300 Booth Street, #3009  
14 Reno NV 89509  
15 (775) 784-5335

16 /s/ NICHOLAS STROZZA

17  
18 Attorney for United States Trustee  
19 Tracy Hope Davis  
20  
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22  
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CERTIFICATE OF SERVICE

I, ROBBIN LITTLE, under penalty of perjury declare: That declarant is, and was when the herein described service took place, a citizen of the United States, over 18 years of age, and not a party to nor interested in, the within action; that on April 4th, 2016, I served a copy of the foregoing MOTION TO DISMISS CASE on the following parties:

☒ a. ECF System (attach Notice of Electronic Filing or list of persons & addresses):

- WILLIAM D COPE william@copebklaw.com
- JERI COPPA-KNUDSON renobktrustee@gmail.com, jcoppaknudson@ecf.epiqsystems.com
- U.S. TRUSTEE - RN - 7 USTPRegion17.RE.ECF@usdoj.gov

☒ b. U.S. Mail, postage fully prepaid (list persons and addresses):

EUGENE P DISIMONE  
LAURA A DISIMONE  
17810 THUNDER RIVER DRIVE  
RENO, NV 89508

Joshua Cape  
1025 Humite Lane  
Reno, NV 89506

I declare under penalty of perjury that the foregoing is true and correct.

Signed: April 4, 2016.

/s/ Robbin Little  
ROBBIN LITTLE

A

Fill in this information to identify your case:

Debtor 1 EUGENE P DISIMONE

Debtor 2 LAURA A DISIMONE  
(Spouse, if filing)

United States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number \_\_\_\_\_  
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

## Official Form 106I

## Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

## Part 1: Describe Employment

## 1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

## Employment status

- ☒ Employed
- ☐ Not employed

## Occupation

GENERAL MANAGER

## Employer's name

BETRA MANUFACTURING COMPANY

## Employer's address

45 AFFOSNO DRIVE  
CARSON CITY, NV

## Debtor 2 or non-filing spouse

- ☒ Employed
- ☐ Not employed

PROPERTY MANAGER

ALL AMERICAN STORAGE

1901 W. 4th STREET  
RENO, NV

## How long employed there?

3 MONTHS

4 MONTHS

## Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ 8,333.35	\$ 2,071.92
3. Estimate and list monthly overtime pay.	+\$ 0.00	+\$ 0.00
4. Calculate gross Income. Add line 2 + line 3.	\$ 8,333.35	\$ 2,071.92

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if known) \_\_\_\_\_

	For Debtor 1	For Debtor 2 or non-filing spouse
4. <b>Copy line 4 here</b>	\$ 8,333.35	\$ 2,071.92
<b>5. List all payroll deductions:</b>		
5a. Tax, Medicare, and Social Security deductions	\$ 1,673.14	\$ 227.36
5b. Mandatory contributions for retirement plans	\$ 0.00	\$ 0.00
5c. Voluntary contributions for retirement plans	\$ 0.00	\$ 0.00
5d. Required repayments of retirement fund loans	\$ 0.00	\$ 0.00
5e. Insurance	\$ 0.00	\$ 0.00
5f. Domestic support obligations	\$ 0.00	\$ 0.00
5g. Union dues	\$ 0.00	\$ 0.00
5h. Other deductions. Specify: _____	\$ 0.00	\$ 0.00
6. <b>Add the payroll deductions.</b> Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	\$ 1,673.14	\$ 227.36
7. <b>Calculate total monthly take-home pay.</b> Subtract line 6 from line 4.	\$ 6,660.21	\$ 1,844.56
<b>8. List all other income regularly received:</b>		
8a. <b>Net income from rental property and from operating a business, profession, or farm</b> Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	\$ 0.00	\$ 0.00
8b. <b>Interest and dividends</b>	\$ 0.00	\$ 0.00
8c. <b>Family support payments that you, a non-filing spouse, or a dependent regularly receive</b> Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	\$ 0.00	\$ 0.00
8d. <b>Unemployment compensation</b>	\$ 0.00	\$ 0.00
8e. <b>Social Security</b>	\$ 0.00	\$ 0.00
8f. <b>Other government assistance that you regularly receive</b> Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	\$ 0.00	\$ 0.00
8g. <b>Pension or retirement income</b>	\$ 0.00	\$ 0.00
8h. <b>Other monthly income.</b> Specify: _____	\$ 0.00	\$ 0.00
9. <b>Add all other income.</b> Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	\$ 0.00	\$ 0.00
10. <b>Calculate monthly income.</b> Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	\$ 6,660.21 + \$ 1,844.56 = \$ 8,504.77	
<b>11. State all other regular contributions to the expenses that you list in Schedule J.</b> Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____		
		11. +\$ 0.00
<b>12. Add the amount in the last column of line 10 to the amount in line 11.</b> The result is the combined monthly income. Write that amount on the <i>Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data</i> , if it applies		
		12. \$ 8,504.77
<b>13. Do you expect an increase or decrease within the year after you file this form?</b>		
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____		

Combined  
monthly income

B



## Fill in this information to identify your case:

Debtor 1 EUGENE P DISIMONE

Debtor 2 LAURA A DISIMONE  
(Spouse, if filing)

United States Bankruptcy Court for the: DISTRICT OF NEVADA

Case number \_\_\_\_\_  
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

## Official Form 106J

## Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

## Part 1: Describe Your Household

## 1. Is this a joint case?

☐ No. Go to line 2.☒ Yes. Does Debtor 2 live in a separate household?☒ No☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.2. Do you have dependents? ☒ No

Do not list Debtor 1 and Debtor 2.

☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No ☐ Yes

## Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

## 4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 1,365.42

If not included in line 4:

- 4a. Real estate taxes
- 4b. Property, homeowner's, or renter's insurance
- 4c. Home maintenance, repair, and upkeep expenses
- 4d. Homeowner's association or condominium dues

4a. \$ 0.00

4b. \$ 0.00

4c. \$ 200.00

4d. \$ 0.00

## 5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if known) \_\_\_\_\_

<b>6. Utilities:</b>								
6a. Electricity, heat, natural gas	6a. \$	300.00						
6b. Water, sewer, garbage collection	6b. \$	133.00						
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	280.00						
6d. Other. Specify: _____	6d. \$	0.00						
<b>7. Food and housekeeping supplies</b>	7. \$	1,500.00						
<b>8. Childcare and children's education costs</b>	8. \$	0.00						
<b>9. Clothing, laundry, and dry cleaning</b>	9. \$	400.00						
<b>10. Personal care products and services</b>	10. \$	60.00						
<b>11. Medical and dental expenses</b>	11. \$	600.00						
<b>12. Transportation.</b> Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	1,200.00						
<b>13. Entertainment, clubs, recreation, newspapers, magazines, and books</b>	13. \$	100.00						
<b>14. Charitable contributions and religious donations</b>	14. \$	0.00						
<b>15. Insurance.</b> Do not include insurance deducted from your pay or included in lines 4 or 20.								
15a. Life insurance	15a. \$	0.00						
15b. Health insurance	15b. \$	1,489.00						
15c. Vehicle insurance	15c. \$	280.00						
15d. Other insurance. Specify: _____	15d. \$	0.00						
<b>16. Taxes.</b> Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: <b>PAY PLAN WITH IRS</b>								
	16. \$	2,500.00						
<b>17. Installment or lease payments:</b>								
17a. Car payments for Vehicle 1	17a. \$	252.00						
17b. Car payments for Vehicle 2	17b. \$	306.00						
17c. Other. Specify: <b>SCOOTER PAYMENT</b>	17c. \$	142.00						
17d. Other. Specify: _____	17d. \$	0.00						
<b>18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).</b>								
<b>19. Other payments you make to support others who do not live with you.</b>	18. \$	0.00						
Specify: _____	\$	0.00						
<b>20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.</b>								
20a. Mortgages on other property	20a. \$	0.00						
20b. Real estate taxes	20b. \$	0.00						
20c. Property, homeowner's, or renter's insurance	20c. \$	0.00						
20d. Maintenance, repair, and upkeep expenses	20d. \$	0.00						
20e. Homeowner's association or condominium dues	20e. \$	0.00						
<b>21. Other:</b> Specify: _____	21. +\$	0.00						
<b>22. Calculate your monthly expenses</b>								
22a. Add lines 4 through 21.	<table border="1"> <tr> <td>\$</td> <td>11,107.42</td> </tr> <tr> <td>\$</td> <td></td> </tr> <tr> <td>\$</td> <td>11,107.42</td> </tr> </table>		\$	11,107.42	\$		\$	11,107.42
\$			11,107.42					
\$								
\$	11,107.42							
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2								
22c. Add line 22a and 22b. The result is your monthly expenses.								
<b>23. Calculate your monthly net income.</b>								
23a. Copy line 12 (your combined monthly income) from Schedule I.	23a. \$	8,504.77						
23b. Copy your monthly expenses from line 22c above.	23b. -\$	11,107.42						
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$	-2,602.65						

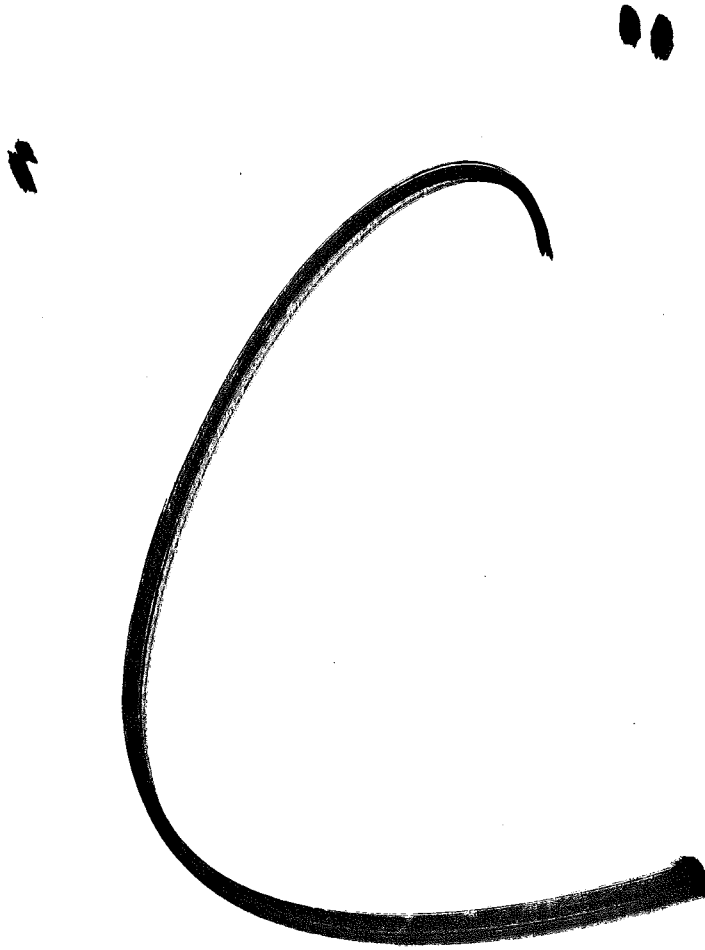
**24. Do you expect an increase or decrease in your expenses within the year after you file this form?**

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.

☐ Yes.

Explain here: \_\_\_\_\_



## Fill in this information to identify your case:

Debtor 1 **EUGENE P DISIMONE**  
 First Name Middle Name Last Name

Debtor 2 **LAURA A DISIMONE**  
 (Spouse If, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **DISTRICT OF NEVADA**

Case number \_\_\_\_\_  
 (if known)

☐ Check if this is an amended filing

## Official Form 106D

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

## 1. Do any creditors have claims secured by your property?

- ☐ No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

**Part 1: List All Secured Claims**

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Column A	Column B	Column C
Amount of claim Do not deduct the value of collateral.	Value of collateral that supports this claim	Unsecured portion If any
<b>\$1,028.00</b>	<b>\$5,500.00</b>	<b>\$0.00</b>

**2.1 FREEDOM ROAD**

Creditor's Name

**P.O. BOX 18218**  
**Reno, NV 89511**

Number, Street, City, State &amp; Zip Code

Describe the property that secures the claim:

**2011 TRIUMPH**

As of the date you file, the claim is: Check all that apply.

☐ Contingent☐ Unliquidated☐ Disputed

Nature of lien. Check all that apply.

☒ An agreement you made (such as mortgage or secured car loan)☐ Statutory lien (such as tax lien, mechanic's lien)☐ Judgment lien from a lawsuit☒ Other (including a right to offset)Loan  
secured by

Who owes the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim relates to a community debt

Date debt was incurred

Last 4 digits of account number **0315****2.2 FREEDOM ROAD**

Creditor's Name

**P.O. BOX 18218**  
**Reno, NV 89511**

Number, Street, City, State &amp; Zip Code

Describe the property that secures the claim:

**2008 Piaggio scooter**

As of the date you file, the claim is: Check all that apply.

☐ Contingent☐ Unliquidated☐ Disputed

Nature of lien. Check all that apply.

☒ An agreement you made (such as mortgage or secured car loan)☐ Statutory lien (such as tax lien, mechanic's lien)☐ Judgment lien from a lawsuit☒ Other (including a right to offset)Loan  
secured by

Who owes the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim relates to a community debt

Date debt was incurred

Last 4 digits of account number **0323**

Debtor 1 **EUGENE P DISIMONE**  
 First Name Middle Name Last Name

Debtor 2 **LAURA A DISIMONE**  
 First Name Middle Name Last Name

Case number (if know) \_\_\_\_\_

2.3 **UNITED SECURITY  
FINANCIAL / Lender Live**  
 Creditor's Name

**710 S. Ash Street  
SUITE 200  
Glendale, CO 80246**

Number, Street, City, State &amp; Zip Code

Describe the property that secures the claim:

\$260,334.00

\$225,000.00

\$35,334.00

**17810 THUNDER RIVER DRIVE  
Reno, NV 89508 Washoe County  
3 BDRM, 2.5 BATH HOMESTEAD**

As of the date you file, the claim is: Check all that apply.

☐ Contingent☐ Unliquidated☐ Disputed

Nature of lien. Check all that apply.

☒ An agreement you made (such as mortgage or secured car loan)☐ Statutory lien (such as tax lien, mechanic's lien)☐ Judgment lien from a lawsuit☒ Other (including a right to offset)

**Promissory  
note secured  
by first deed  
of trust  
encumbering**

Who owes the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim relates to a community debt

Date debt was incurred \_\_\_\_\_

Last 4 digits of account number **5908**

2.4 **WELLS FARGO DEALER  
SERVICES**  
 Creditor's Name

**P.O. BOX 51963  
Los Angeles, CA 90051**

Number, Street, City, State &amp; Zip Code

Describe the property that secures the claim:

\$8,742.00

\$7,000.00

\$1,742.00

**2004 BMW X5**

As of the date you file, the claim is: Check all that apply.

☐ Contingent☐ Unliquidated☐ Disputed

Nature of lien. Check all that apply.

☒ An agreement you made (such as mortgage or secured car loan)☐ Statutory lien (such as tax lien, mechanic's lien)☐ Judgment lien from a lawsuit☒ Other (including a right to offset)

**Loan  
secured by**

Who owes the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim relates to a community debt

Date debt was incurred \_\_\_\_\_

Last 4 digits of account number **7870**

Add the dollar value of your entries in Column A on this page. Write that number here:

\$270,503.00

If this is the last page of your form, add the dollar value totals from all pages.

Write that number here:

\$270,503.00

**Part 2: List Others to Be Notified for a Debt That You Already Listed**

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

☐ Name Address  
-NONE-

On which line in Part 1 did you enter the creditor? \_\_\_\_\_

Last 4 digits of account number \_\_\_\_\_

**Fill in this information to identify your case:**

Debtor 1	<b>EUGENE P DISIMONE</b>		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)	<b>LAURA A DISIMONE</b>		
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <b>DISTRICT OF NEVADA</b>			
Case number (if known) _____			

☐ Check if this is an amended filing
**Official Form 106E/F****Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

**Part 1: List All of Your PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims against you?

☐ No. Go to Part 2.

☒ Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

	Total claim	Priority amount	Nonpriority amount
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2.1

**INTERNAL REVENUE SERVICE**

Last 4 digits of account number	\$ 40,965.00	\$ 40,965.00	\$ 0.00
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Priority Creditor's Name

**CENTRALIZED INSOLVENCY CENTER****P.O. BOX 7346****Philadelphia, PA 19101-7346**

Number Street City State Zip Code

When was the debt incurred?

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

☐ Debtor 1 only

☐ Debtor 2 only

☒ Debtor 1 and Debtor 2 only

☐ At least one of the debtors and another

☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No

☐ Yes

☐ Contingent

☐ Unliquidated

☒ Disputed

Type of PRIORITY unsecured claim:

☐ Domestic support obligations

☒ Taxes and certain other debts you owe the government

☐ Claims for death or personal injury while you were intoxicated

☐ Other. Specify \_\_\_\_\_
**2013 and 2014 tax****Part 2: List All of Your NONPRIORITY Unsecured Claims**

3. Do any creditors have nonpriority unsecured claims against you?

☐ No. You have nothing to report in this part. Submit this form to the court with your other schedules.

☒ Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

Total claim

4.1	<b>AMERICAN EXPRESS</b> Priority Creditor's Name <b>P.O. BOX 297812</b> <b>FORT LAUDERDALE, FL 33329</b> Number Street City State Zip Code	Last 4 digits of account number <u>1005</u> When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <u>Credit card purchases</u>	\$ <u>693.00</u>
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

4.2	<b>BEST BUY</b> Priority Creditor's Name <b>P.O. BOX 78009</b> <b>Phoenix, AZ 85062</b> Number Street City State Zip Code	Last 4 digits of account number <u>5278</u> When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <u>Credit card purchases</u>	\$ <u>962.00</u>
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

4.3	<b>Cabela's Club Visa</b> Priority Creditor's Name <b>P.O. Box 82575</b> <b>Lincoln, NE 68501-2575</b> Number Street City State Zip Code	Last 4 digits of account number <u>7075</u> When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply	\$ <u>1,521.00</u>
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Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCredit card purchases

4.4

**CITIBANK / SEARS**

Priority Creditor's Name

**P.O. BOX 6275****Sioux Falls, SD 57117**

Number Street City State Zip Code

Last 4 digits of account number **8508**\$ **7,000.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes

4.5

**Dillard's**

Priority Creditor's Name

**P.O. Box 660553****Dallas, TX 75266**

Number Street City State Zip Code

Last 4 digits of account number **3817**\$ **2,635.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCredit card purchases

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes

4.6

**DISCOVER CARD**

Priority Creditor's Name

**P.O. BOX 29033****Phoenix, AZ 85038**Last 4 digits of account number **4191**\$ **1,868.00**

When was the debt incurred? \_\_\_\_\_

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

Number Street City State Zip Code

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCredit card purchases

4.7

**FIRST NATIONAL COLLECTION BUREAU, INC.**

Priority Creditor's Name

**610 WALTHAM WAY  
SPARKS, NV 89434**

Number Street City State Zip Code

Last 4 digits of account number **7570**\$ **0.00**

When was the debt incurred? \_\_\_\_\_

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCOLLECTING ON BEHALF OF CITIBANK  
USA / SEARS. NOTICE ONLY

4.8

**HOME DEPOT COMMERCIAL**

Priority Creditor's Name

**P.O. BOX 790411  
Saint Louis, MO 63179**

Number Street City State Zip Code

Last 4 digits of account number **1720**\$ **525.00**

When was the debt incurred? \_\_\_\_\_

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCredit card purchases

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

4.9	<b>HOME DEPOT CREDIT SERVICES</b> Priority Creditor's Name <b>P.O. BOX 9001010</b> <b>Louisville, KY 40290</b> Number Street City State Zip Code	Last 4 digits of account number _____ \$ <b>3,397.00</b>  When was the debt incurred? _____  As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify _____ <b>Credit card purchases</b>
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		

4.10	<b>JOSHUA CAPE</b> Priority Creditor's Name <b>1025 Humite Lane</b> <b>Reno, NV 89506</b> Number Street City State Zip Code	Last 4 digits of account number _____ \$ <b>405,000.00</b>  When was the debt incurred? _____  As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify _____ <b>SUIT PENDING.</b>
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		

4.11	<b>LOWE'S</b> Priority Creditor's Name <b>P.O. BOX 530914</b> <b>Atlanta, GA 30353</b> Number Street City State Zip Code	Last 4 digits of account number <b>9106</b> \$ <b>3,891.00</b>  When was the debt incurred? _____  As of the date you file, the claim is: Check all that apply
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input type="checkbox"/> No <input type="checkbox"/> Yes		

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify**Credit card purchases**

4.12

**LOWE'S**

Priority Creditor's Name

**P.O. BOX 530914****Atlanta, GA 30353**

Number Street City State Zip Code

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **0658**\$ **2,558.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify**Credit card purchases**

4.13

**NELNET STUDENT LOAN**

Priority Creditor's Name

**P.O. BOX 82561****Lincoln, NE 68501**

Number Street City State Zip Code

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **1740**\$ **32,901.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☒ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☐ Other. Specify**STUDENT LOANS**

4.14

**NORTHERN NEVADA  
EMERGENCY PHYSICIANS**

Priority Creditor's Name

Last 4 digits of account number **8900**\$ **539.00**

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

**c/o Intermedix**  
**P.O. Box 95728**  
**Oklahoma City, OK 73143-5728**  
 Number Street City State Zip Code

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify**Medical Expenses/Bills**

4.15

**PAY PAL**

Priority Creditor's Name  
**P.O. BOX 960080**  
**Orlando, FL 32896**  
 Number Street City State Zip Code

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **4841**\$ **2,703.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify**Credit card purchases**

4.16

**POTTERY BARN**

Priority Creditor's Name  
**P.O. BOX 659705**  
**San Antonio, TX 78265**  
 Number Street City State Zip Code

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **9377**\$ **155.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify**Credit card purchases**

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

4.17	<b>RENOWN HEALTH</b> Priority Creditor's Name <b>P.O. BOX 844134</b> <b>Los Angeles, CA 90084</b> Number Street City State Zip Code	Last 4 digits of account number <b>7746</b> When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply	\$ <b>1,683.00</b>
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <b>MEDICAL SERVICES</b>	

4.18	<b>RENOWN HEALTH</b> Priority Creditor's Name <b>P.O. BOX 844134</b> <b>Los Angeles, CA 90084</b> Number Street City State Zip Code	Last 4 digits of account number <b>4509</b> When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply	\$ <b>3.00</b>
Who incurred the debt? Check one. <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input checked="" type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <b>Medical Expenses/Bills</b>	

4.19	<b>SCHEEL'S</b> Priority Creditor's Name <b>1620 DODGE STREET</b> <b>Omaha, NE 68197</b> Number Street City State Zip Code	Last 4 digits of account number <b>7383</b> When was the debt incurred? _____ As of the date you file, the claim is: Check all that apply	\$ <b>897.00</b>
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Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCredit card purchases

4.20

**TIRES PLUS**

Priority Creditor's Name

**CFNA****P.O. BOX 81344****Cleveland, OH 44188**

Number Street City State Zip Code

Last 4 digits of account number **5816**\$ **625.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCredit card purchases

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes

4.21

**USAA FEDERAL SAVINGS BANK**

Priority Creditor's Name

**10750 MCDERMOTT FREEWAY****SAN ANTONIO, TX 78288-0544**

Number Street City State Zip Code

Last 4 digits of account number **6645**\$ **4,457.00**

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. SpecifyCredit card purchases

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes

4.22

**WALMART**

Priority Creditor's Name

Last 4 digits of account number **5098**\$ **3,856.00**



Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if know) \_\_\_\_\_

**P.O. BOX 530927**  
**Atlanta, GA 30353**

Number Street City State Zip Code

When was the debt incurred? \_\_\_\_\_

As of the date you file, the claim is: Check all that apply

Who incurred the debt? Check one.

☐ Debtor 1 only☐ Debtor 2 only☒ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☒ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify \_\_\_\_\_**Credit card purchases****Part 3: List Others to Be Notified About a Debt That You Already Listed**

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name Address

-NONE-

On which entry in Part 1 or Part 2 did you list the original creditor?

Line of (Check one):

Part 1: Creditors with Priority Unsecured Claims

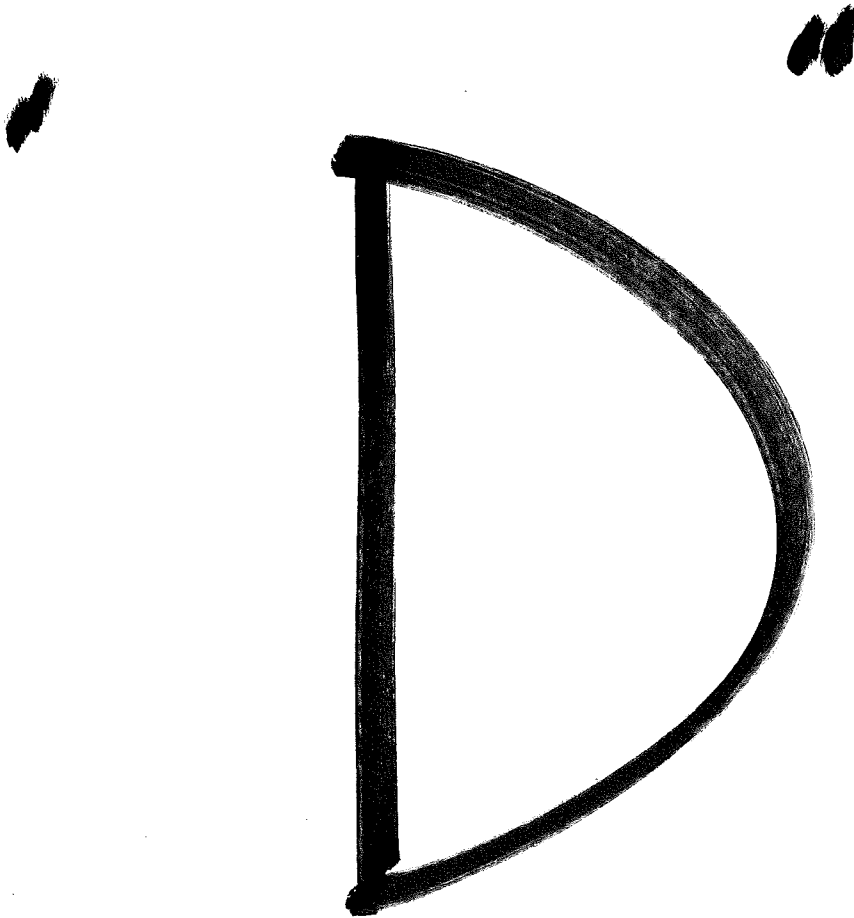
Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number \_\_\_\_\_

**Part 4: Add the Amounts for Each Type of Unsecured Claim**

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

		Total claim	
Total claims from Part 1	6a. Domestic support obligations	6a.	\$ 0.00
	6b. Taxes and certain other debts you owe the government	6b.	\$ 40,965.00
	6c. Claims for death or personal injury while you were intoxicated	6c.	\$ 0.00
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d.	\$ 0.00
	6e. Total. Add lines 6a through 6d.	6e.	\$ 40,965.00
Total claims from Part 2	6f. Student loans	6f.	\$ 32,901.00
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g.	\$ 0.00
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h.	\$ 0.00
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i.	\$ 444,968.00
	6j. Total. Add lines 6f through 6i.	6j.	\$ 477,869.00



**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

DISTRICT OF NEVADA

Case number (if known)

Chapter you are filing under:

☒ Chapter 7☐ Chapter 11☐ Chapter 12☐ Chapter 13☐ Check if this an amended filing

B 101

**Voluntary Petition for Individuals Filing for Bankruptcy**

12/15

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Identify Yourself****About Debtor 1:****About Debtor 2 (Spouse Only in a Joint Case):****1. Your full name**

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

**EUGENE**

First name

**P**

Middle name

Bring your picture identification to your meeting with the trustee.

**DISIMONE**

Last name and Suffix (Sr., Jr., II, III)

**LAURA**

First name

**A**

Middle name

**DISIMONE**

Last name and Suffix (Sr., Jr., II, III)

**2. All other names you have used in the last 8 years**

Include your married or maiden names.

**3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)****xxx-xx-9682****xxx-xx-2320**

Debtor 1 **EUGENE P DISIMONE**  
 Debtor 2 **LAURA A DISIMONE**

Case number (if known) \_\_\_\_\_

**Part 6: Answer These Questions for Reporting Purposes**

16. What kind of debts do you have?
- 16a. Are your debts primarily consumer debts? *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☐ No. Go to line 16b.
- ☒ Yes. Go to line 17.
- 16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
- ☐ No. Go to line 16c.
- ☐ Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts
- 
17. Are you filing under Chapter 7?
- ☐ No. I am not filing under Chapter 7. Go to line 18.
- Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?
- ☒ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- ☐ No
- ☐ Yes
- 
18. How many Creditors do you estimate that you owe?
- ☒ 1-49 ☐ 1,000-5,000 ☐ 25,001-50,000
- ☐ 50-99 ☐ 5001-10,000 ☐ 50,001-100,000
- ☐ 100-199 ☐ 10,001-25,000 ☐ More than 100,000
- ☐ 200-999
- 
19. How much do you estimate your assets to be worth?
- ☐ \$0 - \$50,000 ☐ \$1,000,001 - \$10 million ☐ \$500,000,001 - \$1 billion
- ☐ \$50,001 - \$100,000 ☐ \$10,000,001 - \$50 million ☐ \$1,000,000,001 - \$10 billion
- ☒ \$100,001 - \$500,000 ☐ \$50,000,001 - \$100 million ☐ \$10,000,000,001 - \$50 billion
- ☐ \$500,001 - \$1 million ☐ \$100,000,001 - \$500 million ☐ More than \$50 billion
- 
20. How much do you estimate your liabilities to be?
- ☐ \$0 - \$50,000 ☐ \$1,000,001 - \$10 million ☐ \$500,000,001 - \$1 billion
- ☐ \$50,001 - \$100,000 ☐ \$10,000,001 - \$50 million ☐ \$1,000,000,001 - \$10 billion
- ☐ \$100,001 - \$500,000 ☐ \$50,000,001 - \$100 million ☐ \$10,000,000,001 - \$50 billion
- ☒ \$500,001 - \$1 million ☐ \$100,000,001 - \$500 million ☐ More than \$50 billion

**Part 7: Sign Below**

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ **EUGENE P DISIMONE**  
**EUGENE P DISIMONE**  
 Signature of Debtor 1

/s/ **LAURA A DISIMONE**  
**LAURA A DISIMONE**  
 Signature of Debtor 2

Executed on **January 7, 2016**  
 MM / DD / YYYY

Executed on **January 7, 2016**  
 MM / DD / YYYY